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EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/811,621

Applicant(s)

SASAKI ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 6-21, 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to applicant preliminary amendment filed on September 14, 2001 and applicant's response filed on June 7, 2004. **Claims 1-29** are now pending in the present application.

#### ***Election/Restrictions***

2. Applicant's election of group 1, claims 1-5 and 22-26 in the reply filed on June 7, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Information Disclosure Statement***

4. The information disclosure statement submitted on February 13, 2002 and June 18, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

#### ***Priority***

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

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***Claim Objections***

6. Claim 25 is objected to because of the following informalities: in lines 7 and 16, change “determinater” to --determinator--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1,4,5,22,25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. US Patent 5,946,386.

***Regarding claim 1***, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59) to which at least one terminal device (user telephone instrument 106; col. 7, lines 60-65) is connected, and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/ PBX trunks 105; col. 8, lines 3-17; col. 15, lines 44-65) which connects the telephone exchange apparatus (104) and the computer apparatus (101), and has at least one media information channel pre-assigned to the terminal device (106), (fig. 1; col. 7, lines 49-56; col. 10, lines 23-39; col. 16, lines 22-31; the voice pathway is a dedicated pre-assigned channel for the terminals);

media information communication means, in each of the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19), for communicating the media information between the telephone exchange apparatus and the computer apparatus via the media information channel of said media information communication path, (col. 11, lines 33-39; col. 16, lines 22-31; col. 18, lines 6-19, 37-56), when an execution request of a service associated with exchange using the media information is generated, (col. 15, lines 44-52, 67-col. 16, line 31; and

service execution means for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communication means, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

***Regarding claim 4***, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (col. 18, lines 6-19; fig. 1), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus and the computer apparatus, (col. 7, lines 49-56; col. 16, lines 22-31);

determination means, in the computer apparatus, for checking if the service is associated with the computer apparatus, when an execution request of a service associated with exchange using the media information is generated, (col. 15-line 45-56, 67-col. 16, lines 31; col. 18, lines 6-26; col. 38, lines 35-40);

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media information communication means for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via said media information communication path, when said determination means determines that the service is associated with the computer apparatus, (col. 15, line 45-56,67-col. 16, line 31); and

service execution means for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communication means, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

***Regarding claim 5***, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus and the computer apparatus, (fig. 1);

communication means, in each of the telephone exchange apparatus and the computer apparatus, for communicating control information and the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via said media information communication path, (col. 18, lines 6-19), when a service request using the media information is generated, (col. 15, line 45-56,67-col. 16, line 31); and

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service execution means for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the control information and the media information communicated by said communication means, (col. 38, lines 35-40).

**Regarding claim 22**, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59) to which at least one terminal device (user telephone instrument 106; col. 7, lines 60-65) is connected, and a computer apparatus (call management computer 101; col. 7, line 6-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus (104) and the computer apparatus (101), and has at least one media information channel pre-assigned to the terminal device, (col. 7, lines 49-56; col. 16, lines 22-31);

media information communicator in each of the telephone exchange apparatus and the computer apparatus, for, communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via the media information channel of said media information communication path, (col. 18, lines 6-19), when an execution request of a service associated with exchange using the media information is generated, (col. 15, line 45-56,67-col. 16, line 31); and

service executer for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communicator, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

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**Regarding claim 25**, Rogers teaches an exchange system which comprises a telephone exchange apparatus, (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, line 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus, (col. 7, lines 49-56; col. 16, lines 22-31);

determinator, in at least one of the telephone exchange apparatus and the computer apparatus, for checking if the service is associated with the computer apparatus, when an execution request of a service associated with exchange using the media information is generated, (col. 15, line 45-56,67-col. 16, line 31);

media information communicator for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via said media information communication path, when said determinator determines that the service is associated with the computer apparatus, (col. 15, line 45-56,67-col. 16, line 31); and

service executer for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communicator, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

**Regarding claim 26**, Rogers teaches an exchange system which comprises a telephone exchange apparatus, (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management



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computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus and the computer apparatus, (col. 7, lines 49-56; col. 16, lines 22-31);

communicator, in each of the telephone exchange apparatus and the computer apparatus, for communicating control information and the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via said media information communication path, when a service request using the media information is generated, (col. 15, lines 45-56, 67-col. 16, line 31); and

service executer for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the control information and the media information communicated by said communicator, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 2,3,23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. US Patent 5,946,386 in view of Nishida US Patent 5,631,901.

**Regarding claim 2**, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59) to which at least one terminal device (user telephone instrument 106; col. 7, lines 60-65) is connected, and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus and the computer apparatus (101), and has a plurality of media information channels, (col. 7, lines 49-56; col. 16, lines 22-31);

media information communication means for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus

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(col. 18, lines 6-19) via the media information channel, (col. 15, line 45-56, 67; col. 16, line 31); and

service execution means for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communication means, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

While Rogers teaches of selecting a channel, Rogers does not specifically teach of selecting an empty media information channel from the plurality of media information channels.

In the same field of endeavor, Nishida of channel selection means, (abstract; col. 3, line 38-col. 4, line 8), in a telephone exchange apparatus (PBX) for selecting an empty media information channel from a plurality of media information channels, (col. 4, lines 1-8), when an execution request of a service associated with exchange using the media information is generated, (col. 2, lines 13-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rogers by selecting an empty media information channel so that free channels can be selected which will allow a dedicated line to be used for the user.

***Regarding claim 3***, Rogers teaches an exchange system which comprises a telephone exchange apparatus, (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

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a communication path (voice pathway 121/PBX trunks 105) which is comprised of a control information communication path for communicating control information, and a media information communication path for communicating the media information using a plurality of media information channels, (col. 7, lines 49-56; col. 16, lines 22-31), and connects the telephone exchange apparatus and the computer apparatus, (fig. 1);

media information communication means for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-26) via the media information channel selected by said channel selection means, (col. 15, lines 45-56,67-col. 16, line 51); and

service execution means for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communication means, (col. 15, line 45-65,67-col. 16, line 51; col. 18, lines 37-52; col. 38, lines 35-40).

While Rogers teaches of selecting a channel, Rogers does not specifically teach of selecting an empty media information channel from the plurality of media information channels.

In the same field of endeavor, Nishida teaches channel selection means, (abstract; col. 3, line 38-col. 4, line 8), in a telephone exchange apparatus (PBX) and the computer apparatus, for communicating control information between the telephone exchange apparatus and the computer apparatus via the control information communication path, (col. 4, lines 1-8), and selecting an empty media information channel from the plurality of media information channels in accordance with the control information communicated via the control information

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communication path, (col. 4, lines 1-8), when an execution request of a service associated with exchange using the media information is generated, (col. 2, lines 13-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rogers by selecting an empty media information channel so that free channels can be selected which will allow a dedicated line to be used for the user.

***Regarding claim 23***, Rogers teaches an exchange system which comprises a telephone exchange apparatus (PBX 104; col. 7, lines 57-59) to which at least one terminal device is connected (user telephone instrument 106; col. 7, lines 60-65), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a media information communication path (voice pathway 121/PBX trunks 105; col. 8, lines 3-17) which connects the telephone exchange apparatus and the computer apparatus, and has a plurality of media information channels, (col. 7, lines 49-56; col. 16, lines 22-31);

media information communicator for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines 6-19) via the media information channel selected by said channel selector, (col. 15, lines 45-56,67-col. 16, line 31); and

service executer for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communicator, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

While Rogers teaches of selecting a channel, Rogers does not specifically teach of selecting an empty media information channel from the plurality of media information channels.

In the same field of endeavor, Nishida teaches a channel selector, (abstract; col. 3, line 38-col. 4, line 8), in at least one of the telephone exchange apparatus (PBX) and the computer apparatus, for, selecting an empty media information channel from the plurality of media information channels, (col. 4, lines 1-8), when an execution request of a service associated with exchange using the media information is generated, (col. 2, lines 13-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rogers by selecting an empty media information channel so that free channels can be selected which will allow a dedicated line to be used for the user.

**Regarding claim 24**, Rogers teaches an exchange system which comprises a telephone exchange apparatus, (PBX 104; col. 7, lines 57-59), and a computer apparatus (call management computer 101; col. 7, line 66-col. 8, line 1) having a processing function of media information, (fig. 1; col. 18, lines 6-19), comprising:

a communication path (voice pathway 121/PBX trunks 105) which is comprised of a control information communication path for communicating control information, and a media information communication path for communicating the media information using a plurality of media information channels, (col. 7, lines 49-56; col. 16, lines 22-31), and connects the telephone exchange apparatus and the computer apparatus, (fig. 1);

media information communicator for communicating the media information between the telephone exchange apparatus (col. 15, lines 53-65) and the computer apparatus (col. 18, lines

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6-19) via the media information channel selected by said channel selector, (col. 15, line 45-56,67-col. 16, line 31); and

service executer for executing the service by the telephone exchange apparatus and the computer apparatus on the basis of the media information communicated by said media information communicator, (col. 16, lines 1-21; col. 18, lines 37-52; col. 38, lines 35-40).

While Rogers teaches of selecting a channel, Rogers does not specifically teach of selecting an empty media information channel from the plurality of media information channels.

In the same field of endeavor, Nishida teaches a channel selector, (abstract; col. 3, line 38-col. 4, line 8), in at least one of the telephone exchange apparatus (PBX) and the computer apparatus, for communicating control information between the telephone exchange apparatus and the computer apparatus via the control information communication path, (col. 4, lines 1-8), when an execution request of a service associated with exchange using the media information is generated, and selecting an empty media information channel from the plurality of media information channels in accordance with the control information communicated via the control information communication path, (col. 2, lines 13-19; col. 4, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rogers by selecting an empty media information channel so that free channels can be selected which will allow a dedicated line to be used for the user.

### ***Conclusion***

13. Any response to this action should be mailed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante  
Examiner  
Group 2645  
August 3, 2004

*Ovidio Escalante*  
**OVIDIO ESCALANTE**  
**PATENT EXAMINER**